

EXHIBIT NO. 5

Excerpts from Guest Deposition, June 13, 2018.

Hamid Adeli v. Silverstar Automotive, Inc. d/b/a Mercedes-Benz of Northwest Arkansas
Case No. 5:17-CV-05224-PKH
U.S. District Court, Western District of Arkansas, Fayetteville Division

PLAINTIFF'S MOTION FOR SANCTIONS

HAMID ADELI vs SILVERSTAR AUTOMOTIVE
GUEST, JOSHUA on 06/13/2018

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS

HAMID ADELI, : CIVIL ACTION
:
Plaintiff, : No. 5:17-CV-05224-PKH
:
v. :
:
SILVERSTAR AUTOMOTIVE, INC. :
d/b/a MERCEDES-BENZ OF :
NORTHWEST ARKANSAS, :
:
Defendant. :

ORAL DEPOSITION OF
JOSHUA ADAM GUEST
JUNE 13, 2018

ORAL DEPOSITION of JOSHUA ADAM GUEST, produced as a witness at the instance of the Plaintiff, and duly sworn, was taken in the above-styled and numbered cause on the 13th day of June, 2018, from 1:44 p.m. to 3:16 p.m., before Natanya Riddle, CCR in and for the State of Arkansas, reported by machine shorthand method, at Ball & Mourton, 3608 North Steele Boulevard, Suite 202, Fayetteville, Arkansas 72703, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record.

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ALSO PRESENT:

Mr. Hamid Adeli

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1 A. No, sir.

2 Q. Okay. Were you -- did you give any -- did you
3 locate any documents in connection with this case?

4 A. Yes, sir.

5 Q. Okay. Tell me what you did.

6 A. I pulled any e-mails, both through Outlook and our
7 customer retention tool, ELEADs, and any text messages,
8 including videos.

9 Q. And did you give those all to your attorney to your
10 left -- or to the attorney to your left?

11 A. I provided those to our internal HR attorney.

12 Q. And who is your internal HR attorney?

13 A. Shannon Mirus.

14 Q. Spell the last name.

15 A. M-i-r-u-s.

16 Q. And when did you pull those and gave them to your
17 HR attorney?

18 A. I don't remember the exact time.

19 Q. Was it a few months after the sale of the vehicle
20 that we're here about?

21 A. I don't remember the exact time frame.

22 Q. Did you do all that in one -- how long did it take
23 you to do that search?

24 A. I'd be guessing.

25 Q. Did you do the search over multiple days or would

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1 do?

2 A. Search my e-mail.

3 Q. But you've done that, correct?

4 A. I have done that in regards to my interactions with
5 Mr. Adeli, correct.

6 Q. But have you searched it with regards to your
7 interactions with anyone about Mr. Adeli?

8 A. No, sir, I have not.

9 Q. You've not done that?

10 A. I have not, no.

11 Q. And you have not been asked to do that?

12 A. No, sir.

13 Q. Have you -- could you do that if you were asked?

14 A. Yes, sir.

15 MR. CROWDER: We'd ask that be done.

16 MR. DONOVAN: We'll do it.

17 Q. (BY MR. CROWDER) All right. Have you searched for
18 text messages between anyone concerning Mr. Adeli other
19 than -- like, to Mr. Slone, text messages between the
20 two of you?

21 A. Yes.

22 Q. Did you, in fact, find some text messages between
23 the two of you?

24 A. We weren't able to locate them because we text so
25 often.

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1 Q. So you're certain you texted him about this?

2 A. Yes, sir.

3 Q. But you can't find them?

4 A. No, sir.

5 Q. Do you have your phone with you now?

6 A. I do.

7 Q. Okay. Do you -- is it a corporate phone?

8 A. No, sir.

9 Q. Okay. Do you back up things to your iCloud? Do
10 you know what iCloud is?

11 A. Yes, sir.

12 Q. Do you back up your phone to iCloud?

13 A. Yes, sir, it automatically does.

14 Q. Okay. I don't know if it makes sense, but we'd
15 like to get those backups because I think that probably
16 would capture those -- you know, if there are text
17 messages between you and Mr. Slone related to this.

18 MR. DONOVAN: We will look into it.

19 MR. CROWDER: Thank you.

20 Q. (BY MR. CROWDER) Have you talked to anybody --
21 other than your attorney, have you talked to anyone else
22 to prepare for today's deposition?

23 A. To prepare, no.

24 Q. Okay. Did you talk to anybody else, saying "I've
25 got to go to a deposition this afternoon"?



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1 Q. Okay. How have you heard the vehicle?

2 A. When it was parked in our shop prior to pickup and
3 then during pickup.

4 Q. So where was the vehicle between 9/1/16 and
5 11/16/16, those two months?

6 A. I don't know.

7 Q. When did you see it in the shop?

8 A. I don't recall.

9 Q. If you wanted to try to figure out when you saw it
10 in the shop, is there something you could look at that
11 would help you?

12 A. I could.

13 Q. What would that be?

14 A. My text messages to Mr. Adeli.

15 Q. So how many owners has the vehicle had?

16 A. I don't know.

17 Q. Were you involved in Silverstar's decision to sell
18 the vehicle?

19 A. No, sir.

20 Q. Who was involved in that decision?

21 A. I don't know.

22 Q. Were you -- is there something you could reference
23 that would help you remember whether you were
24 involved -- who was involved in the decision to sell it?

25 A. No, I was not involved with the decision to sell

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1 on the vehicle?

2 A. To be comfortable selling the vehicle.

3 Q. And would you be -- I take it you would be
4 uncomfortable selling a vehicle like that Ferrari
5 without a prepurchase inspection, correct?

6 A. Yes, sir.

7 Q. Have you had prepurchase inspections done before?

8 A. I have not.

9 Q. So this was the first prepurchase inspection you'd
10 ever been involved with?

11 A. Yes, sir.

12 Q. And how were you involved in the prepurchase
13 inspection?

14 A. I wasn't.

15 Q. Who was?

16 A. Michael.

17 Q. Anyone else?

18 A. No, sir.

19 Q. Have you had any communications at all with anyone
20 from Boardwalk Ferrari or anyone who's done the
21 prepurchase inspection?

22 A. Yes, sir, I have.

23 Q. Okay. Who?

24 A. Larry Neighbors.

25 Q. And tell me about your communications with

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1 Mr. Neighbors.

2 A. I was initially concerned after Mr. Adeli's text
3 message, so I reached out to Mr. Neighbors and had maybe
4 a five-minute conversation with him. And after that
5 conversation, I felt confident in what we had done.

6 Q. And how long did you say the conversation lasted?

7 A. Maybe five minutes.

8 Q. Tell me what y'all said.

9 A. I don't remember the specifics. It's been over
10 two years.

11 Q. Well, you said you took away from it you were --
12 you were -- you were concerned after you had gotten
13 Mr. Adeli's text message?

14 A. Yes, sir.

15 Q. And you had -- how long did it take you before you
16 called Mr. Neighbors?

17 A. I don't remember the specifics. Within 24 hours of
18 his text message, though.

19 Q. What did he tell you to make you feel better?

20 A. He said that anything that was done that would be
21 of concern to a potential buyer was done.

22 Q. Did you speak with Mr. Slone before you had this
23 conversation with Mr. Neighbors?

24 MR. DONOVAN: Which Mr. Slone?

25 Q. (BY MR. CROWDER) Did you speak with any Mr. Slone,

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- 1 A. I don't recall.
- 2 Q. Was this a conversation you had on the telephone or
- 3 in person?
- 4 A. On the telephone.
- 5 Q. Okay. And what is Mr. Slone's cell phone number?
- 6 A. I don't know off the top of my head.
- 7 Q. Do you have it?
- 8 A. Yes, sir.
- 9 Q. Okay. And do you text him often?
- 10 A. Yes, sir.
- 11 Q. Is that the only document you've ever received --
- 12 Exhibit Number 4, is that the only document you've ever
- 13 personally seen from Boardwalk Ferrari?
- 14 A. Until reviewing for the case, yes.
- 15 Q. Meaning, until -- in the last few months, in the
- 16 last month that's the only document you've seen?
- 17 A. Yes, sir.
- 18 Q. Okay. Who receives e-mails from the
- 19 eleadtrack.net -- from the e-mail website -- e-mail
- 20 address mbofnwa@eleadtrack.net?
- 21 A. The database, and it's visible to the salesperson
- 22 and management.
- 23 Q. And who is responsible for responding to e-mails
- 24 from that e-mail address?
- 25 A. The salesperson.